

COMMENTS TO PROPOSED AMENDMENTS TO
BANKRUPTCY GENERAL ORDER NO. 3
8 November 2004

1. Amendments to General Order No. 3 will take the form of an amended general order No. 3.
2. New language has been added to paragraph 1 to conform to the requirements of Fed.R.Civ.P.5(e), which requires courts to authorize electronic filing by local rule (appropriate changes will also be made to LBR 5005).
3. Paragraph 4.b. has been amended to eliminate the need for Local Rules W.D. Wash. Bankr. Form 6 (the *Declaration Re: Electronic Filing*). The Office of the U.S. Attorney initially requested that we require this form to aid in the prosecution of bankruptcy fraud. No other district that we know of uses this form. The Office of the U.S. Attorney has confirmed that we no longer need to require this form.
4. Paragraph 8 has been rewritten to incorporate recent amendments to the Federal Rules of Civil Procedures and the Bankruptcy Rules of Procedure that specifically provide for and deal with electronic service. Subparagraph d was added to Paragraph 8 to make it clear that the electronic service procedures do not supplant the requirements that continue to exist in the F.R.Civ.P. for conventional service, such as service of complaints under Fed.R.Civ.P. 4 and contested motions in bankruptcy under Fed.R.Bankr.P.9014(b).
5. Paragraph 9 provides for an amendment to Local Rule W.D. Wash. Bankr. 2083-1, rather than a repeal of that rule as was provided for in General Order No. 3. Rule 2083-1 will be officially amended once the proposed amendments to the local rules are approved.
6. Paragraph 10 has been amended to make it clear that the amended General Order will apply to all pending cases as of 8 November 2004 and that further amendments to the order may be made as necessary.